

### **REMARKS**

The non-final Office Action of July 5, 2006 has been reviewed and the comments therein were carefully considered. Claims 12-26 are currently pending.

#### **Drawings Objection**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following referenced character(s) not mentioned in the description: items 22 and 24 (Fig. 2), items 207 and 40 (Fig. 4), item 745 (Fig. 9), and item 30 (Fig. 5).

The references to "22" and "24" have been deleted from Fig. 2. The written specification has been amended to add the reference to "207" in paragraph 41. The written specification has been amended to add the reference to "745" in paragraph 52. The reference to "30" has been deleted from Fig. 5. Amended replacement drawing sheets are concurrently submitted herewith.

Applicant respectfully submits that the drawing objection has been rendered moot and should be withdrawn.

#### **Objection to the Abstract**

The abstract of the disclosure was objected to because of using phrases which can be implied. The Abstract has been amended and it is respectfully requested that the objection to the Abstract be withdrawn.

#### **Claim Rejections Under 35 USC §112**

Claims 19-20 and 25-26 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant requires as the invention. Claims 19 and 25 have been amended to claim "a computing device." Thus, claims 19-20 and 25-26 now recite limitations for which there is antecedent basis in the claims.

### Claim Rejections Under 35 USC §103

Claims 12-15 and 17-26 were rejected under 35 USC §103(a) as being unpatentable over Lebel, et al., U.S. Publication No. 2002/0016568 A1 (“Lebel”), in view of Garcia, U.S. patent No. 6,088,429 (“Garcia”).

Claim 16 was rejected under 35 USC §103(a) as being unpatentable over Lebel in view of Garcia, and further in view of Akers, et al., U.S. Patent No. 6,112,182 (“Akers”).

Independent claim 12 has been amended to claim an implantable drug delivery device “wherein the drug scheduling module receives data about the implantable drug delivery device, wherein the data is selected from the group consisting of drug usage information, pump manufacturer requirements, and drug management data.” The proposed combination of Lebel and Garcia fails to teach this structure.

Independent claim 21 has been amended to claim implantable drug delivery device “wherein the scheduling module is adapted to contact via the telemetry module at least one entity for the scheduling activity, the at least one entity being selected from the group consisting of a pharmacy, a caregiver, a physician, and a hospital.” The proposed combination of Lebel and Garcia fails teach this structure.

Claims 13-20 all include a feature similar to the feature discussed above with respect to claim 12. Claims 22-26 all include a feature similar to the feature discussed above with respect to claim 21. Therefore, for at least the same reasons discussed above, claims 13-15, 17-20, and 22-26 are all patentable over the proposed combination of Lebel and Garcia, and claim 16 is patentable over the proposed combination of Lebel and Garcia and further in view of Akers. Accordingly, withdrawal of this ground of rejection is respectfully requested.

**CONCLUSION**

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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